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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

E-FILED - 10/5/05

UNITED STATES OF AMERICA,)	No. CR 05-00445-RMW
)	
Plaintiff,)	STIPULATION REGARDING
)	EXCLUDABLE TIME AND
v.)	ORDER
)	
WILLIAM VEYNA,)	
aka guzzzz, aka _-_-_, aka 1010101,)	
aka 5555, aka i_love_dact, aka 8675309,)	
)	
Defendant.)	
)	

It is hereby stipulated and agreed between defendant William Veyna, and his counsel David Kessler, and the United States as follows:

This matter was set for a status conference on September 26, 2005 at 9:00 a.m. In this copyright infringement case, the defense needs more time to prepare, review discovery previously provided, including a substantial amount of digital evidence, and research legal and sentencing issues. Defense counsel also underwent surgery for an intestinal blockage recently and has been recovering from intensive care and needs further time to review materials in this case. The recovery period for defense counsel is expected to be a couple of weeks.

On July 14, 2005, defendant Veyna was arraigned on a nine-count indictment, charging as

1 follows: Count One: Conspiracy to Commit Criminal Copyright Infringement, Infringement By
2 Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in
3 Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a
4 Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices
5 to Make Unauthorized Copies Of Audiovisual Works, in violation of 18 U.S.C. § 371; Count
6 Two: Circumventing a Technological Measure Protecting a Copyright Work and Aiding and
7 Abetting, in violation of 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1), and 18 U.S.C. § 2; Counts
8 Three, Four and Five: Trafficking in Technology Primarily Designed to Circumvent
9 Technological Measures Protecting A Right of a Copyright Owner and Aiding and Abetting, in
10 violation of 17 U.S.C. §§ 1201(a)(2)(A), and 1204(a)(1) and 18 U.S.C. § 2; Counts Six, Seven,
11 Eight and Nine: Criminal Copyright Infringement By Electronic Means and Aiding and
12 Abetting, in violation of 17 U.S.C. § 506(a)(1)(B), 18 U.S.C. § 2319(c)(1) and 18 U.S.C. § 2;
13 and an allegation of Criminal Forfeiture and Destruction, in violation of 17 U.S.C. §§ 506(b) and
14 509(a).

15 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the
16 September 26, 2005, until November 14, 2005, because the parties believe that the ends of
17 justice served by the granting of such a continuance outweigh the best interests of the public and
18 the defendant in a speedy trial, particularly since reasonable time is needed for the defense to
19 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).
20 The parties further stipulate that time may be excluded for reasonable time for defense
21 preparation, since the failure to exclude time would deny counsel for the defendant reasonable
22 time necessary for effective preparation, taking into account the exercise of due diligence,

23 // // //

24 // // //

1 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

2 So stipulated.

3 Dated: September 21, 2005

KEVIN V. RYAN
United States Attorney

4 /s/

5
6 MARK L. KROTOSKI
Assistant United States Attorney

7 So stipulated.

8 Dated: September 21, 2005

9 /s/

10 DAVID E. KENNER
Attorney for Defendant Veyna

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for September 26, 2005 at 9:00 a.m. for defendant Veyna shall be continued to November 14, 2005 at 9:00 a.m.

IT IS FURTHER ORDERED that the time between September 26, 2005 and November 14, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: October 5, 2005

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge